BOMBAY ACT No. XV OF 1920.[1]

[THE CITY OF BOMBAY PRIMARY EDUCATION ACT, 1920.]

[*13th December, 1920.*]

An Act to provide for the extension of primary education in the City of Bombay.

WHEREAS it is expedient to provide for the extension of primary education in the City of Bombay ; It is hereby enacted as follows :—

Short title, extent and construction.

1. (*1*) This Act may be called the City of Bombay Primary Education Act, 1920.

(*2*) It extends only to the City of Bombay.

(*3*) It shall be construed as part of and supplementary to the [2]City of Bombay Municipal Act, 1888, hereinafter called "the principal Act". Bom. Act III of 1888.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the Schools' Committee with the approval of the prescribed educational authority ;

(*2*) "child" means a child whose age is not less than six and not more than eleven years ;

(*3*) "parent" includes a guardian and any person who has the actual custody of a child ;

(*4*) "prescribed" means prescribed by rules made by the Governor in Council under this Act ;

(*5*) "primary education" means such education as is for the time being recognized as such by the Governor in Council ;

(*6*) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority ;

(*7*) "Schools' Committeee" means a committee appointed under section 39 of the principal Act.

Issue of notification making primary education compulsory.

3. (*1*) The Corporation may with the previous sanction of the Governor in Council declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in the City of Bombay or

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p. 391 ; for Report of Select Committee, *see ibid*, 1920, Pt. V, p. 754 (a) ; and for Proceedings in Council, *see ibid*, 1920, Pt. V, pp. 645 and 968.

[2] Vol. III of this Code.

in any ward or part of a ward thereof from a date to be mentioned in the notification; provided that, where a notification has been issued under this section with reference to children of one sex only, the Corporation may with the like sanction issue a subsequent notification with reference to children of the other sex.

(2) A notification under this section shall be published in the Bombay Government Gazette and shall be posted at the municipal office and at such other places, if any, as the Corporation shall deem necessary.

Corporation to make provision for primary education.

4. A notification shall not be issued under section 3 unless the Corporation satisfy the Governor in Council that they are in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the Corporation have so determined by resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

Duty of Schools' Committee.

6. Where a notification has been issued under section 3 for any ward or part of a ward, it shall be the duty of the Schools' Committee, subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

Duty of parents to cause children to attend school.

7. Where a notification under section 3 is in force in any ward or part of a ward, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such ward or part of a ward, cause such child to attend a recognized primary school therein.

Meaning of reasonable excuse.

8. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school in any of the following cases:—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(*b*) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the Schools' Committee is efficient, or has already completed his primary education;

(*c*) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child.

Issue of attendance order.

9. Where the Schools' Committee is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the Schools' Committee, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (*1*) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee.

Penalty for employing child liable for compulsory education.

11. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee, and before making any complaint under this section against any person, the Schools' Committee shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

Schools' Committee may authorize person to appear.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the Schools' Committee by such person as may be authorized by the committee in this behalf.

Taxation for the purposes of this Act.

13. For the purposes of this Act the Corporation may, under the provisions of the principal Act, impose any fresh tax or increase any tax which is already levied in the municipal district.

Remission of fees.

14. Where a notification under section 3 is in force in any ward or part of a ward, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Power to exempt particular classes or communities.

15. The Governor in Council may by notification in the Bombay Government Gazette exempt any particular class or community from the operation of this Act.

Withdrawal of notification on default.

16. If in the opinion of the Governor in Council, the Corporation have made default in any of the requirements of this Act, after giving the Corporation an opportunity of furnishing an explanation the Governor in Council may by notification in the Bombay Government Gazette cancel any notification which has been issued under section 3.

Fines to be credited to Corporation.

17. All fines levied by any magistrate in respect of any offence against the provisions of this Act shall be credited to the municipal fund.

Rules.

18. (*1*) The Governor in Council may by notification in the Bombay Government Gazette make rules for the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (*1*) and (*6*), shall be performed;

(*b*) prescribing the manner in which application may be made for sanction to issue a notification under section 3;

(*c*) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4;

(*d*) requiring the Corporation to prepare and publish a register of children liable for compulsory primary education in the municipal district; and

(*e*) when the local Government determine to share the cost of providing free and compulsory primary education, specifying the extent to which the cost thereof shall be borne by the local Government.

Bom. Act III of 1888.

Amendment of section 39 (*1*) of the principal Act.

19. In sub-section (*1*) of section 39 of the principal Act[1]

(*a*) for the word "twelve" the word "sixteen" shall be substituted; and

(*b*) the following words shall be added to the sub-section:—

[Vol. III of this Code.]

Bom. Act III of 1888.

New section 62B of the principal Act.

20. For section 62B of the principal Act[1], the following section shall be substituted, namely:—

[Vol. III of this Code.]

[1] Vol. III of this Code.